PATENT 930008-2003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)

Kornclia BERGHOF et al.

Scrial No.

09/463,209

For

NUCLEIC ACID MOLECULE, TEST KIT AND

USE

Filed

May 12, 2000

Examiner

Juliet Caroline Einsmann

Group Art Unit

1655

## FURTHER DECLARATION OF RONALD R. SANTUCCI

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

Dear Sir:

I, Ronald R. Santucci, attorney for the above Applicant, submit this declaration regarding the above referenced patent application in support of the concurrently filed Petition for Revival.

Upon information and belief, the communication mailed by the Examiner-incharge of the above referenced patent application in response to Applicants June 24, 2002
Amendment was never received by Applicants' attorney. A search of the file jacket and
docket records kept during the ordinary course of business indicates that the Office
communication was not received.

Attached herewith is a copy of the entire docket printout for this matter from the electronic docketing system CPI. The docket sheets do not reflect the receipt of an Examiner's communication responsive to the June 24, 2002 Amendment. The first page of the enclosed docket sheets is titled "Country Applications" and reflects the status of

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U.S. Patent Application 09/463,209, as of May 16, 2003, as pending and that a response was filed on June 24, 2002 to an official action issued January 22, 2002. It should be noted that, actions remain on the docket even after a response is filed.

Therefore the entire delay in responding to the communication from the Examiner for the above referenced application from the due date for the response until the filing of the enclosed petition under 37 C.F.R. 1.137(a) was unavoidable.

Thus, favorable consideration of the herein attached petition, and reconsideration and withdrawal of the abandonment of this application, are carnestly requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:

Ronald R Santuce Reg. No. 28,988 (212) 588-0800 **Country Application** 

16-May-03

Case Number: 9300082003

Country: US

SubCase:

Client: BOETERS & BAUER

United States of America

Application Status: Pending

Area(s):

Case Type: PCT

Patent Number:

wo Filing Date: 12-May-2000

Application Number: 09/463209

Issue Date:

**Publication Number:** 

**Publication Date:** 

PriorityNumber: 19731292.6

PriorityDate: 21-Jul-1997

Tax Schedule: SE

**Expiration Date:** 

Paid Through:

Tax Start Date:

Agent:

Agent Reference Number: 10534

## List Of Actions

| Action(s) Du                  | Due Date    |          | Action Taken   |
|-------------------------------|-------------|----------|--|
| Information Disclosure Struit | 12-Aug-2000 | Due Date |  |
| 1 MO. RESP                    | 01-Nov-2001 | Due Date | 03-Dec-2001  |
| Application Status Check      | 12-Nov-2001 | Due Date | 12-Oct-2001  |
| I MO. RESP-IMO                | 01-Dec-2001 | Duc Date | 03-Dec-2001  |
| REMINDER                      | 17-Dec-2001 | Reminder | 03-Dec-2001  |
| 1 MO. RESP-2MO                | 01-Jan-2002 | Due Date | 03-Dec-2001  |
| 1 MO. RESP-3MO                | 01-Feb-2002 | Due Dáte | 03-Dec-2001  |
| 1 MO. RESP-4MO                | 01-Mar-2002 | Due Date | 03-Dec-2001  |
| 1 MO RESP, DDD                | 01-Арг-2002 | Final    | 03-Dec-2001  |
| 3 MON RESPONSE                | 22-Apr-2002 | Due Date | 24-Jun-2002  |
| I MON EXTENSION               | 22-May-2002 | Due Date | 24-Jun-2002  |
| US-1 MO, RESP Follow Up Date  | 03-Jun-2002 | Due Date | 28-Jan-2002  |
| 2 MON EXTENSION               | 22-Jun-2002 | Duc Date | 24-Jun-2002  |
| REMINDER                      | 08-Jul-2002 | Reminder | 24-Jun-2002  |
| 6 MON FINAL                   | 22-Jul-2002 | Final    | 24-Jun-2002  |
| Post card check               | 24-Jul-2002 | Reminder | 18-Jul-2002  |
| Office action follow up       | 24-Арт-2003 | Reminder |  |
| REMINDER                      | 19-May-2003 | Reminder |  |
| PETITION TO REVIVE            | 21-May-2003 | Due Date |  |
| STATUS CK                     | 24-Jun-2003 | Due Date | TO I SHANGE STREET, BOTH A STREET, STR |

## Remarks:

**Country Application** 

16-May-03

ASSIGNEE: BIOTECON DIAGNOSTICS GmbH

User ID: LISA

Date Created: 23-Oct-2001 Last Update: 23-Oct-2001